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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JEREMY HOLLAND,
Plaintiff,
vs.

ILSE GALVEZ MARTINEZ D/B/A J'S 98
CENTS & UP STORE; RICHARD A.
ENTIN, AS TRUSTEE OF THE
RICHARD A. ENTIN LIVING TRUST;
YELENA ENTIN, AS TRUSTEE OF THE
YELENA ENTIN LIVING TRUST; and
DOES 1 to 10,
Defendants.

Case No.: 2:24-cv-02422-PA (MARx)

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND DAMAGES
FOR DENIAL OF CIVIL RIGHTS OF A
DISABLED PERSON IN VIOLATIONS
OF**

**AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.**

Plaintiff JEREMY HOLLAND ("Plaintiff") complains of Defendants ILSE
GALVEZ MARTINEZ D/B/A J'S 98 CENTS & UP STORE; RICHARD A. ENTIN, AS
TRUSTEE OF THE RICHARD A. ENTIN LIVING TRUST; YELENA ENTIN, AS
TRUSTEE OF THE YELENA ENTIN LIVING TRUST; and DOES 1 to 10
("Defendants") and alleges as follows:

PARTIES

1
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is
3 diagnosed with complete paraplegia due to spinal cord injury and is substantially limited
4 in his ability to walk. Plaintiff requires the use of a wheelchair at all times when traveling
5 in public.

6 2. Defendants are, or were at the time of the incident, the real property owners,
7 business operators, lessors and/or lessees of the real property for a home goods store
8 (“Business”) located at or about 2945 Tweedy Blvd, South Gate, California.

9 3. The true names and capacities, whether individual, corporate, associate or
10 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
11 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
12 Court to amend this Complaint when the true names and capacities have been
13 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
14 fictitiously named Defendants are responsible in some manner, and therefore, liable to
15 Plaintiff for the acts herein alleged.

16 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
17 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
18 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
19 the things alleged herein was acting with the knowledge and consent of the other
20 Defendants and within the course and scope of such agency or employment relationship.

21 5. Whenever and wherever reference is made in this Complaint to any act or
22 failure to act by a defendant or Defendants, such allegations and references shall also be
23 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
24 and severally.

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JURISDICTION AND VENUE

6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*).

7. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

8. Venue is proper in this court pursuant to 28 USC §1391(b). The real property which is the subject of this action is located in this district, Los Angeles County, California, and that all actions complained of herein take place in this district.

FACTUAL ALLEGATIONS

9. In or about December of 2023, Plaintiff went to the Business.

10. The Business is a home goods store business establishment, open to the public, and is a place of public accommodation that affects commerce through its operation. Defendants provide parking spaces for customers.

11. While attempting to enter the Business during each visit, Plaintiff personally encountered a number of barriers that interfered with his ability to use and enjoy the goods, services, privileges, and accommodations offered at the Business.

12. To the extent of Plaintiff's personal knowledge, the barriers at the Business included, but were not limited to, the following:

- a. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants failed to provide any parking space designated for persons with disabilities.
- b. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants failed to provide the parking space identification sign with the International Symbol of Accessibility.
- c. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants

1 failed to post required signage such as “Van Accessible,” “Minimum
2 Fine \$250” and “Unauthorized Parking.”

3 d. Defendants failed to comply with the federal and state standards for
4 the parking space designated for persons with disabilities. Defendants
5 failed to provide proper van accessible space designated for the
6 persons with disabilities.

7 e. Defendants failed to comply with the federal and state standards for
8 the parking space designated for persons with disabilities. Defendants
9 failed to paint the ground as required.

10 f. Defendants failed to comply with the federal and state standards for
11 the parking space designated for persons with disabilities. Defendants
12 failed to mark the space with the International Symbol of
13 Accessibility.

14 13. These barriers and conditions denied Plaintiff full and equal access to the
15 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
16 patronize the Business; however, Plaintiff is deterred from visiting the Business because
17 his knowledge of these violations prevents him from returning until the barriers are
18 removed.

19 14. Based on the violations, Plaintiff alleges, on information and belief, that
20 there are additional barriers to accessibility at the Business after further site inspection.
21 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*
22 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

23 15. In addition, Plaintiff alleges, on information and belief, that Defendants
24 knew that particular barriers render the Business inaccessible, violate state and federal
25 law, and interfere with access for the physically disabled.

26 16. At all relevant times, Defendants had and still have control and dominion
27 over the conditions at this location and had and still have the financial resources to
28 remove these barriers without much difficulty or expenses to make the Business

1 accessible to the physically disabled in compliance with ADDAG and Title 24
2 regulations. Defendants have not removed such barriers and have not modified the
3 Business to conform to accessibility regulations.

4 **FIRST CAUSE OF ACTION**

5 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

6 17. Plaintiff incorporates by reference each of the allegations in all prior
7 paragraphs in this complaint.

8 18. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
9 shall be discriminated against on the basis of disability in the full and equal enjoyment of
10 the goods, services, facilities, privileges, advantages, or accommodations of any place of
11 public accommodation by any person who owns, leases, or leases to, or operates a place
12 of public accommodation. *See* 42 U.S.C. § 12182(a).

13 19. Discrimination, *inter alia*, includes:

- 14 a. A failure to make reasonable modification in policies, practices, or
15 procedures, when such modifications are necessary to afford such
16 goods, services, facilities, privileges, advantages, or accommodations
17 to individuals with disabilities, unless the entity can demonstrate that
18 making such modifications would fundamentally alter the nature of
19 such goods, services, facilities, privileges, advantages, or
20 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 21 b. A failure to take such steps as may be necessary to ensure that no
22 individual with a disability is excluded, denied services, segregated or
23 otherwise treated differently than other individuals because of the
24 absence of auxiliary aids and services, unless the entity can
25 demonstrate that taking such steps would fundamentally alter the
26 nature of the good, service, facility, privilege, advantage, or
27 accommodation being offered or would result in an undue burden. 42
28 U.S.C. § 12182(b)(2)(A)(iii).

- 1 c. A failure to remove architectural barriers, and communication barriers
2 that are structural in nature, in existing facilities, and transportation
3 barriers in existing vehicles and rail passenger cars used by an
4 establishment for transporting individuals (not including barriers that
5 can only be removed through the retrofitting of vehicles or rail
6 passenger cars by the installation of a hydraulic or other lift), where
7 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 8 d. A failure to make alterations in such a manner that, to the maximum
9 extent feasible, the altered portions of the facility are readily
10 accessible to and usable by individuals with disabilities, including
11 individuals who use wheelchairs or to ensure that, to the maximum
12 extent feasible, the path of travel to the altered area and the
13 bathrooms, telephones, and drinking fountains serving the altered
14 area, are readily accessible to and usable by individuals with
15 disabilities where such alterations to the path or travel or the
16 bathrooms, telephones, and drinking fountains serving the altered area
17 are not disproportionate to the overall alterations in terms of cost and
18 scope. 42 U.S.C. § 12183(a)(2).

19 20. Where parking spaces are provided, accessible parking spaces shall be
20 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
21 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
22 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
23 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
24 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

25 21. Under the ADA, the method and color of marking are to be addressed by
26 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California
27 Building Code (“CBC”), the parking space identification signs shall include the
28 International Symbol of Accessibility. Parking identification signs shall be reflectorized

1 with a minimum area of 70 square inches. Additional language or an additional sign
2 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A
3 parking space identification sign shall be permanently posted immediately adjacent and
4 visible from each parking space, shall be located with its centerline a maximum of 12
5 inches from the centerline of the parking space and may be posted on a wall at the
6 interior end of the parking space. See CBC § 11B-502.6, et seq.

7 22. Moreover, an additional sign shall be posted either in a conspicuous place at
8 each entrance to an off-street parking facility or immediately adjacent to on-site
9 accessible parking and visible from each parking space. The additional sign shall not be
10 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in
11 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in
12 designated accessible spaces not displaying distinguishing placards or special license
13 plates issued for persons with disabilities will be towed away at the owner’s expense...”
14 See CBC § 11B-502.8, et seq.

15 23. Here, Defendants failed to provide any parking space designated for persons
16 with disabilities. Defendants also failed to provide the parking space identification sign
17 with the International Symbol of Accessibility. In addition, Defendants failed to provide
18 the signs stating, “Minimum Fine \$250” and “Van Accessible.” Moreover, Defendants
19 failed to provide the additional sign with the specific language stating “Unauthorized
20 vehicles parked in designated accessible spaces not displaying distinguishing placards or
21 special license plates issued for persons with disabilities will be towed away at the
22 owner’s expense...”

23 24. For the parking spaces, access aisles shall be marked with a blue painted
24 borderline around their perimeter. The area within the blue borderlines shall be marked
25 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting
26 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall
27 be painted on the surface within each access aisle in white letters a minimum of 12 inches
28

1 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §
2 11B-502.3.3.

3 25. Here, Defendants failed to provide a proper access aisle as there were no
4 “NO PARKING” marking and blue hatched lines painted on the parking surface.
5 Moreover, Defendants failed to provide the access aisle with the minimum width of 96
6 inches.

7 26. The surface of each accessible car and van space shall have surface
8 identification complying with either of the following options: The outline of a profile
9 view of a wheelchair with occupant in white on a blue background a minimum 36” wide
10 by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum
11 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the
12 length of the parking space and its lower side or corner aligned with the end of the
13 parking space length or by outlining or painting the parking space in blue and outlining
14 on the ground in white or a suitable contrasting color a profile view of a wheel chair with
15 occupant. See CBC § 11B-502.6.4, et seq.

16 27. Here, Defendants failed to paint the International Symbol of Accessibility on
17 the surface as required.

18 28. A public accommodation shall maintain in operable working condition those
19 features of facilities and equipment that are required to be readily accessible to and usable
20 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

21 29. By failing to maintain the facility to be readily accessible and usable by
22 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related
23 regulations.

24 30. The Business has denied and continues to deny full and equal access to
25 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
26 discriminated against due to the lack of accessible facilities, and therefore, seeks
27 injunctive relief to alter facilities to make such facilities readily accessible to and usable
28 by individuals with disabilities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act;
2. Reasonable attorney's fees, litigation expenses, and costs of suit in this action; and
3. Such other and further relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: April 29, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim
Jason J. Kim, Esq.
Attorneys for Plaintiff